

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF COLUMBIA)	
GAS OF KENTUCKY, INC. FOR AN)	
ADJUSTMENT OF RATES; APPROVAL OF)	CASE NO.
DEPRECIATION STUDY; APPROVAL OF)	2021-00183
TARIFF REVISIONS; ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY; AND OTHER RELIEF)	

ORDER

On August 11, 2021, Columbia Gas of Kentucky, Inc. (Columbia Kentucky) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for its Supplemental Attachment A to its Supplemental Response to the Attorney General’s First Request for Information, Item 143, which contains the direct charge salaries charged to each NiSource affiliate by month for January 2018 through May 2021.

In support of its motion, Columbia Kentucky argues that the material at issue contains sensitive information for affiliates of NiSource that are not parties to this proceeding. Columbia Kentucky states that these entities are not subject to the Commission’s jurisdiction and, therefore, the sensitive information regarding the amounts these entities pay for services should be confidential in this proceeding. Columbia Kentucky maintains that because these entities are not parties to this proceeding and are not subject to the Commission’s jurisdiction that these entities have a right to expect information regarding their inner business workings will not be made public in this

proceeding. Further, Columbia Kentucky maintains this information is critical to Columbia Kentucky's effective execution of business decisions and strategy, particularly in regard to its human resources management responsibilities and NiSource affiliates.

Columbia Kentucky argues that KRS 61.878(1) exempts this information from public disclosure because it is confidential in nature and its disclosure would be a clearly unwarranted invasion of privacy. Columbia Kentucky also maintains that this information constitutes a trade secret as defined in KRS 365.880(4).¹

Having considered the motion and the material at issue, the Commission finds that the information contained in Supplemental Attachment A pertaining to non-parties to this proceeding is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(a).

IT IS THEREFORE ORDERED that:

1. Columbia Kentucky's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

¹ KRS 365.880(4) "Trade secret" means information, including a formula, pattern, compilation, program, data, device, method, technique, or process, that: (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

4. Columbia Kentucky shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Columbia Kentucky shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Columbia Kentucky is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Columbia Kentucky to seek a remedy afforded by law.

By the Commission

ENTERED
AUG 19 2021 rsc
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2021-00183

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